Reg. No. GR/RNP/GOA/32

RNI No. GOAENG/2002/6410

Panaji, 28th November, 2002 (Agrahayana 7, 1924)

SERIES II No. 35

OFFICIAL GAZETTE

GOVERNMENT OF GOA

Note:- There is One Supplement and Three Extraordinary issues to the Official Gazette, Series II, No. 34 dated 21-11-2002 as follows:

Supplement dated 21-11-2002 from pages 817 to 840 regarding Notifications from Department of Revenue.

1) *Extraordinary dated 22-11-2002 from pages 841 to 842 regarding Notification from Department of General Administration.*

2) *Extraordinary No. 2 dated 25-11-2002 from pages 843 to 846 regarding Order from Department of Revenue, [Office of the Collector, North Goa District (Civil Administration Branch)].*

3) *Extraordinary No. 3 dated 26-11-2002 from pages 847 to 848 regarding Notification from Department of Education, Art & Culture (Directorate of Education), Order from Department of Home (Home-General Division) and Notifications from Department of Revenue.*

GOVERNMENT OF GOA

Department of Home

Home-General Division

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Order

No. 9/15/87-HD(G)

Read: Order No. 9/15/97-HD(G) dated 1-12-2000 regarding appointment of persons as non--Official Members of the Composite Board of Visitors for Central Jail Aguada and Sub-Jail cum Judicial lock-up at Sada.

Consequent upon the appointment of Shri D. G. Mandrekar, M.L.A., Siolim as a Cabinet Minister to the Government, Government is pleased to appoint Shri Sadanand Shet Tanawade, M.L.A. (Thivim) as a member on the Non-Official Members of the Composite Board of Visitors for Central Jail, Aguada and Sub-Jail cum Judicial Lock-up, Sada in place of Shri D. G. Mandrekar.

By order and in the name of the Governor of Goa.

A. Mascarenhas, Under Secretary (Home).

Panaji, 14th November, 2002.

Department of Information

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Notification

DI/INF/State-Council/02/3162

In exercise of the powers conferred by Section 11 of the Goa Right to Information Act, 1997 (Goa Act 28 of 1997) (hereinafter called the "said Act"), the Government of Goa hereby reconstitute the State Council for Right to Information, for the purpose of the said Act, which was notified and published in the Official Gazette, Series II No. 52 dated 26-3-1998, consisting of the following members namely:

1.	Shri Manohar Parrikar, Hon'ble Chief Minister, Incharge of Administrative Reforms	– Chairman.
2.	Shri R. Raghuraman, Secretary (Information)	– Member.
3.	Shri P. Krishnamurthy, Secretary (G.A.)	– Member.
4.	Shri V. P. Shetye, Law Secretary	– Member.
5.	Shri Rajendra Arlekar, M.L.A.	– Member.
6	Shri Damodar (Damu) Naik, M.L.A.	– Member.
7.	Shri Sharad Karkhanis, Editor, Gomantak	– Member.
8.	Shri Prakash Kamat, Corresp. The Economic Times	– Member.
9.	Shri Pundalik Naik, Savoi Verem, Goa.	– Member.
10.	Smt. Jyoti Dhond, Panaji-Goa	– Member.
11.	Dr. Vikram Patel, Porvorim, Goa	– Member.
12.	Ms. Heta Pandit, Porvorim, Goa	– Member.
13.	Director of Information	– Member Secretary.
14.	Joint Director of Information	– Special Invitee.

By order and in the name of the Governor of Goa.

Rajesh Singh, Director, Information & Publicity.

Panaji, 18th November, 2002.

Department of Labour

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Order

No. 28/7/2001-LAB

The following Award dated 30-5-2002 in Reference No. IT/56/95 given by the Industrial Tribunal, Panaji--Goa, is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Angela Menezes, Joint Secretary (Labour).

Panaji, 1st July, 2002.

IN THE INDUSTRIAL TRIBUNAL
GOVERNMENT OF GOA
AT PANAJI

(Before Shri Ajit J. Agni, Hon'ble Presiding Officer)

Ref. No. IT/56/95

Shri Albert Rodrigues,
H. No. 485, New Vadem,
Near Chapel,
Vasco-da-Gama, Goa. — Workman/Party I

V/s

M/s Vasco Planning and
Development Authority,
Commerce Centre, 2nd Floor,
Vasco-da-Gama, Goa. — Employer/Party II

Workman/Party I – Represented by Shri Subhas Naik.

Employer/Party II – Represented by Adv. Shri A. Diniz/ /Adv. Shri P. A. Kamat.

Panaji, dated: 30-5-2002.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by order dated 19-10-95 bearing No. 28/5/95-LAB referred the following dispute for adjudication by this Tribunal.

"Whether the action of the Vasco Planning and Development Authority, Vasco-Goa, in terminating the services of Shri Albert Rodrigues with effect from 2-6-1994 is legal and justified ?

If not, to what relief the workman is entitled ?"

2. On receipt of the reference a case was registered under No. IT/56/95 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Workman-Party I (for short, "Workman") filed his statement of claim at Exb. 4. The facts of the case in brief as pleaded by the workman are that the Employer i.e. Vasco Planning and Development Authority was also known as Mormugao Planning and Development Authority which was constituted in the year 1979 and subsequently the name was changed from time to time and lastly in the year 1993 the name was changed to Vasco Planning and Development Authority i.e the Employer in the present reference. That though the names changed from time to time there was no change in the Administration as well as in the establishment. That the employer is engaged in planning the area under its control, and command and approves and passes plans for construction, development etc., and issues no objection certificates and for the above said purpose charges fees. That the employer also develops plots on its own and sells plots, flats etc., at Dabolim and other areas. That the employer employs Architectural Engineers, Planning Assistant, Draftsmen, Junior Engineers, Building Inspectors, Head Clerk, UDC/ /Cashier, Accountants, LDC/Typist, Peons, Assistant Engineer, Member Secretary, Chairman, Private Secretary to Chairman etc. That the workman was employed as Private Secretary to the Chairman of the employer w.e.f. 11th September, 1989 on wages of Rs.32/- per day which was paid on monthly basis. That duties which were performed by the workman were that of attending to the Chairman, drafting letters for Chairman, typing, filing and other clerical work. That from 1.1.91 the services of the workman were suddenly terminated and therefore he raised the dispute and by award dated 27.7.92 passed in reference case No. IT/7/92 the Industrial Tribunal held that the termination of service of the workman was illegal and unjustified and the employer was directed to reinstate the workman with full back wages. That he was reinstated in service with full back wages w.e.f. 1.1.91 and he reported for duty from 22.3.93. That after he joined the duties his wages were fixed at Rs.40 per day. That thereafter the workman was surprised to receive a notice dated 2.5.94 from the employer informing him that his services stood terminated after one month. That by letter dated 9th May, 1994 the workman requested the employer to withdraw the said notice but the employer refused to do so. The workman contended that at the time of termination of service the employer paid to him his wages but the retrenchment compensation as per the provisions of Sec. 25F of the Industrial Disputes Act, 1947 was not paid to him. The workman contended that after termination of service the employer employed another person in his place and he is doing the same work which was being done by the workman. That the workman raised industrial dispute vide letter dated 27.6.94 before the employer and thereafter he raised the dispute before the Asst. Labour Commissioner vide letter dated 25.7.94. That the conciliation proceedings ended in failure and the failure report was submitted to Government. The workman contended that termination

of his service by the employer w.e.f. 2.6.94 is illegal and unjustified and hence he is entitled to reinstatement in service with full back wages.

3. The employer filed written statement at Exb.5. By way of preliminary objection, the employer stated that it is not an 'Industry' and the workman is not a 'Workman' as defined under the Industrial Disputes Act, 1947 and therefore this Tribunal has no jurisdiction to decide the reference. The employer stated that in 1979 the Government constituted Mormugao Planning and Development Authority under the Goa, Daman and Diu Town and Country Planning Act, 1974 and that subsequently it was re-constituted as the Central Planning & Development Authority; that in January, 1992 it was re-constituted as Mormugao Planning and Development Authority; thereafter as Vasco Planning Authority and in 1993 as Vasco Planning and Development Authority. The employer stated that they are entitled to appoint such number of officers and staff as may be approved by the Government in terms of Town and Country Planning Act, 1974 and Rules made thereunder and any appointment made in contravention of the same is illegal and void ab-initio. The employer stated that the workman was appointed as Private Secretary to the Chairman pursuant to the order dated 3.3.89 of the Government of Goa, purely on daily wages for a period up to 31.3.89 and the subsequent letter from Under Secretary dated 4.9.90 communicating approval for continuation of service of the workman upto 30.9.90. The employer stated that the workman has no right to the post as the Government did not convey any approval extending the continuance of service nor the said post has been approved and therefore continuance of the workman in the post which did not exist after 30.9.90 is illegal. The employer stated that the award dated 27.7.92 was passed ex-parte and since the award was not challenged it was honoured/complied with by reinstating the workman. The employer stated that the services of the workman were terminated by giving him one month's notice dated 2.5.94 and all his dues were paid and as such the termination is legal and justified. The employer denied that any other person was employed in place of the workman. The employer denied that the termination of service of the workman is illegal, malafided and vindictive or it is done to circumvent the award dated 27.7.92 or that it is done in violation of the provisions of Sec. 25F of the Industrial Disputes Act, 1947. The employer denied that the workman is entitled to any relief as claimed by him. The workman thereafter filed rejoinder at Exb.6.

4. On the pleadings of the parties, following issues were framed at Exb.8.

I. Whether the party I proves that the termination of his services by the party II is malafide, vindictive and to circumvent the Award dated 27.7.92 passed by the Tribunal in case No. IT/7/92 ?

2. Whether the Party I proves that the party II did not comply with the provisions of Sec.25F of the Industrial Disputes Act, 1947 and hence the termination of his services is void ab initio ?

3. Whether the Party I proves that the party II failed to comply with the provisions of Sec. 25H of the Industrial Disputes Act, 1947 ?

4. Whether the Party I proves that the action of the Party II in terminating his services w.e.f. 2-6-94 is illegal and unjustified ?

5. Whether the Party I proves that the Party II is not an "Industry" within the definition of the Industrial Disputes Act, 1947 and this Tribunal has no jurisdiction ?

6. Whether the Party II proves that the Party I is not a "Workman" as defined in the Industrial Disputes Act, 1947 and hence this Tribunal has no jurisdiction ?

7. Whether the Party II proves that the Government granted approval for the appointment to the post of Private Secretary to the Chairman upto 30-9-90 and hence the Party I had no right to continue in the said post after 30-9-90 ?

8. Whether the Party I is entitled to any relief ?

9. What Award ?

5. My findings on the issues are as follows:-

Issue No.1 :- In the negative.
Issue No. 2:- In the affirmative.
Issue No. 3:- In the negative.
Issue No. 4:- In the affirmative.
Issue No. 5:- In the negative.
Issue No. 6:- In the negative.
Issue No. 7:- Does not arise.
Issue No. 8:- As per para. below
Issue No. 9:- As per order below.

REASONS

6. Issue No.5: This issue is taken up first because it goes to the very root of the matter. It is the contention of the employer that the reference is not maintainable because it is not an industry as defined under the Industrial Disputes Act, 1947. Shri Subhas Naik representing the workman has contended that the employer in these proceedings cannot raise the issue that it is not an industry because in the earlier proceedings, that is reference No. IT/7/92, this Tribunal passed the Award directing reinstatement of the workman and accordingly he was reinstated. Adv. Shri Diniz representing the employer has submitted on the other hand that the Award was passed against the Central Planning and Development Authority which was

dissolved and subsequently the employer, that is, the Vasco Planning and Development Authority was constituted in the year 1993. He has submitted that therefore the employer is entitled to raise the issue that it is not an "industry." It is a fact that earlier the workman had raised the dispute against the Central Planning and Development Authority, Vasco, and by Award dated 27.7.92 passed in Ref. No. IT/7/92 this Tribunal ordered reinstatement of the workman with full back wages. The Award dated 27.7.92 has been produced at Exb. W-1. This Award shows that it was an ex-parte Award as the Central Planning and Development Authority did not participate in the proceedings. Therefore in the said proceedings there was no issue deciding whether the Central Planning and Development Authority is an 'industry' or not. Besides, in the present proceedings the dispute is raised against Vasco Planning and Development Authority. This Authority was constituted in the year 1993 after Central Planning and Development Authority was dissolved. In view of these facts in my view the employer is entitled to raise the contention that it is not an 'industry'. I, therefore propose to decide the issue whether the employer is an industry or not.

7. Sec. 2.(J) of the Industrial Disputes Act, 1947 defines "industry" as follows:

Sec. 2.(J): "Industry"' means any business, trade, undertaking, manufacturing or calling of employees and includes calling of service, employment, handicraft, or industrial occupations or avocation of workman.

The entire law on the scope of the definition of industry was reviewed by the Supreme Court in the case of Bangalore Water Supply and Severage Board v/s A. Rajappa reported in 1978 Lab. IC 467. In para. 160 of the Judgment the Supreme Court observed as follows:

> "..... So we proceed to formulate the principles deducible ffom our discussion which are decisive positively and negatively of the identity of industry under the Act. We speak not exhaustively but to the extent authoritatively until overruled by a larger bench or superseded by the legislative branch "

8. Subsequent to the decision of the Supreme Court in Bangalore Water Supply case (supra) the definition of industry was amended by Sec. 2(c) of the Amending Act (45 of 1982) but it has not been brought into effect till this date nor the decision in Bangalore Water Supply case (supra) has been overruled by a larger Bench of the Supreme Court. This being the case whether the employer is an industry or not will have to be found out in terms of the law laid down by the Supreme Court in Bangalore Water Supply case (supra). The Supreme Court in para. 161 of the judgment has laid down the following Tripple Test to find out whether an establishment or undertaking is an industry or not.

"(a) Where

(i) Systematic activity

(ii) Organised by Co-operation between employer and employees (the direct and substantial element is chimerical)

(iii) For the production and for distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss i.e making on a large scale prasad or food) there is an industry in that enterprises. "

9. In the present case the burden was cast on the employer to prove that it is not an industry as it is the employer who wanted to oust the jurisdiction of this Tribunal to decide the reference by contending that it is not an 'industry'. The employer has examined Shri Kishore Borwankar as its witness. He has stated that the employer was constituted in the month of September 1993, and its main function is to control the development activities in respect of the properties within the planning area. He stated that the functions of the employer are the statutory functions and they cannot be carried out by any other organisation or any person. He stated that the employer does not undertake any business, trade or manufacturing activities, nor it supplies goods or distributes them, and that it is not a profit making body. He stated that employer recovers charges prescribed under the statute and its functions are the sovereign functions. In his cross examination he stated that the employer issues No Objection Certificates for the sale of plots, houses, flats, buildings and Rs.100/- is charged as fee for issuing NOCs. He further stated that at the time when development permission is given the employer charges development charges for construction of houses, flats, buildings etc. and that the said charges are based on development of the area in sq.mts. and the rates vary from Re.1/- per sq.mt. to Rs.7/- per sq.mt. He stated that the employer employs about 25 persons and their salary is paid from the revenue of the employer and partly from the grant given by the Government, and that the main source of revenue of the employer is the development charges. He stated that the employer has acquired land at Dabolim village for development of plots and that after the plots are developed they are sold to the public by the employer. He stated that one of the activities of the employer is to develop the plots and sell them. He admitted the notice given by the employer in the News Paper "The Navhind Times" dated 25.10.97 Exb. W-10 regarding the auctioning of the plots. From the above evidence it is therefore established that the main activities of the employer are that of issuing NOCs for sale of plots, houses, flats, buildings, by charging fees; giving development permission by charging fees for construction of houses, buildings, flats, etc; acquire land for the purpose of development and sell the developed plots by auction to the public.

10. The defence which has been taken by the employer is that it is created under a statute and the activities which are carried out as mentioned above are the sovereign functions and it is not a profit making body. There is no substance in this defence set up by the employer. The Supreme Court in Bangalore Water Supply case (supra) at para. 161 of the judgment the Supreme Court has held that only the sovereign functions of the Government qualify for exemption from the definition of industry and not the welfare activities or the economic activities undertaken by the Government, or by the statutory bodies. The Supreme Court has further held that the absence of profit motive or gainful objective is irrelevant be the venture in the public, joint, private or other sectors. In the circumstances the contention of the employer that it is a statutory body carrying out functions under the statute and that it does not earn any profit from the activities carried out by it and therefore it is not an industry, is not tenable under the law. It is however to be seen whether activities mentioned above carried out by the employer are the sovereign functions and hence fall outside the purview of the definition of industry. The Gujrat High Court in the case of PWD Employees Union and Others v/s The State of Gujrat, reported in 1988 I LLJ 524 has held that only the functions akin to legislative functions or judicial functions or one akin to legislative functions or one akin to the defence of the State or Nation can be pleaded as sovereign function and the true test that is evolved by the Supreme Court in Bangalore Water Supply case (supra) and in the case of Bombay v/s Hospital Mazdoor Sabha reported in AIR 1960 SC 610, to determine whether an activity is an industry or not is whether it is a service that the State could have left to the private enterprise and if so fulfilled, such a dispute be industrial dispute? The High Court further held that it is the character of the activity which decides the question as to whether the activity in question attracts the provision of Sec.2(J) of the Industrial Disputes Act, 1947 and not that who conducts the activity or whether it is conducted for profit or not. The Division Bench of the Rajasthan High Court in the case of Hanuman Singh v/s Municipal Council, Jaipur reported in 1989 (58) FLR 392 has held that the Municipal Council, Jaipur is an "industry". The Municipal Council also is a creature of statute. The activities enumerated above which are carried on by the employer are the economic activities, as also the welfare activities meant for the welfare of the people. They are not the sovereign or regal functions or activities and they can be carried out by private bodies. The employer's witness Shri Kishore Borwankar has stated in his evidence that the employer employs about 25 employees/persons and their salary is paid from the employer's revenue and partly from the grant given by the Government. Thus there is a systematic activity organised by co-operation between the employer and the employees for the distribution of service to satisfy human wants and wishes. The activities are the economic as well as welfare activities carried out by the employer for the welfare of the people. These activities cannot be organised otherwise than by co-operation between the employer and its employees. The contention of the employer that is does not earn any profit from the said activities and hence it is not an industry has no substance in view of the law laid down by the Supreme Court in Bangalore Water Supply Case (supra) wherein it is held that profit motive is totally irrelevant. In the light of what is discussed above, I hold that the employer, that is, Vasco Planning and Development Authority, is an "industry" within the meaning of Sec. 2(J) of the Industrial Disputes Act, 1947. In the circumstances, I hold that the employer has failed to prove that it is not an "'industry" within the definition of the Industrial Disputes Act, 1947. I therefore answer the issue No. 5 in the negative.

11. Issue No. 6: This issue is also required to be decided before deciding the other issues because this issue also goes to the root of the matter. The Tribunal gets jurisdiction to decide the reference only if the person raising the dispute falls within the definition of "Workman" as defined under the Industrial Disputes Act, 1947. The employer has taken the defence that the workman Shri Albert Rodrigues is not a "'Workman" within the meaning of Sec.2(s) of the Industrial Disputes Act, 1947 (for short, "I. D.Act 1947"). The burden was cast on the employer to prove the above fact. In the present case the workman has examined himself whereas the employer has examined its member secretary Shri Kishor Borwankar . Sec.2(s) of the Industrial Disputes Act, 1947 defines "Workman" as follows:

> "Workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, where the terms of employment be express or implied and for the purposes of any proceeding under this Act in relation to an industrial dispute, include any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person -
>
> (i) who is subject to the Air Force Act, 1950, or the Army Act, 1950, or the Navy Act, 1957; or
>
> (ii) who is employed in the police service or as an officer or other employee of a prison, or
>
> (iii) who is employed mainly in a managerial or administrative capacity, or
>
> (iv) who, being employed in a supervisory capacity draws wages exceeding one thousand six hundred rupees per mensem or exercise, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

12. The Supreme Court in the case of Anand Bazar Patrika (P) Ltd., v/s Workmen reported in 1950-83 SCLJ Vol. 6 page 607 and in the case of Burmah Shell Oil Storage & Distribution Co. v/s Burmah Shell Management Staff Association reported in 1950 SCLJ Vol. 6 page 545 has held that to decide whether a person is a workman or not, what is required to be seen is the main work carried out by that person and not the incidental work done by him. The Bombay High Court in the case of S. A. Sarang v/s S.W.G. Forge & Allied Industries Ltd., reported in 195 I CLR 837 has held that it is a settled law that it is the actual work done by the employee which is determinative of whether he falls within the scope of the definition of "workman" under Sec. 2(s) of the Act and not his designation. Therefore to find out whether Shri Albert Rodrigues is a workman or not what is required to be considered is the principal or main duties performed by him and the incidental work done by him. The Madras High Court in the case of P. Joseph v/s The Management of Goal Textile Mills reported in 1975 I LL. 136 has held that the definition of workman does not exclude even the casual labourer or a substitute like "Badli". The Calcutta High Court in the case of Tapan Kamar Jana v/s Calcutta Telephones & Others reported in 1988 II LL. 382 relying upon the judgment of the Supreme Court in Digwedih Colliary v/s Their Workmen reported in 1965 II LLJ 118 and that of the Madras High Court in the case of P. Joseph (supra) has held that the primary condition that has to be fulfilled by an employee to bring him within the definition of "Workman" is that he must be employed in an industry for hire or reward. The concept "Permanent employment" is not the only criteria of the definition of the term"Workman". It therefore follows that even if a person is employed temporarily, if he falls within the meaning of the definition, he is a "Workman".

13. In the present case it is not in dispute that the workman was working as a Private Secretary to the Chairman of the employer, and his salary was Rs. 40/- per day at the time when his services were terminated and that his salary was paid on monthly basis. The workman has stated in his deposition that as private secretary to the Chairman his duties were to take dictation, draft letters, type the letters, attend to phones and do other clerical work. The above statement of the workman was not challenged by the employer in the cross examination of the workman. Also the employer's witness Shri Kishore Borwankar did not state in his evidence about the nature of the work which was being done by the workman. Therefore it is established that the work which was being done by the workman was that of taking dictation; drafting letters, typing the letters, attending to phones and other clerical work. The above work which was being done by the workman was nothing but of clerical nature. His case does not fall within the exceptions contained in the definition of "workman". I, therefore hold that Shri Albert Rodrigues is a "Workman" within the meaning of Sec. 2(s) of the I. D. Act, 1947. In the circumstances, I hold that the employer has failed to prove that Shri Albert Rodrigues is not a "Workman" within the meaning of Sec. 2(s) of the I. D. Act, 1947. I, therefore answer the issue no. 6 in the negative.

14. Issue Nos. 2 and 4: Both these issues are taken up together because they are interrelated. The contention of the workman is that he was reinstated in service by the employer on 22-3-93 after this Tribunal had passed an Award in Ref. case no. IT/97/92 ordering his reinstatement with full back wages. His contention is that his services were terminated from 2-6-94 by notice dated 2nd May, 1994 on the ground that his services were not required. His contention is that therefore termination of his services amounts to retrenchment and since the provisions of Sec. 25F were not complied with such as given one month's notice or paying one month's wages in lieu of notice and paying retrenchment compensation which is admitted by the employer's witness, the termination is illegal and unjustified. The contention of the employer on the other hand is that Sec. 25F of the I. D. Act, 1947 is not applicable to the case of the workman because his appointment was for fixed period, that is, up to 30-9-90. The employer's contention is that Government had granted approval for appointing the workman as Private Secretary upon 30-9-90 and therefore the case of the workman fell within the exception mentioned in Sec. 2(00) of the I. D. Act, 1947, and as such the question of complying with the provisions of Sec. 25F did not arise. In support of the above contentions Adv. Shri Diniz, representing the employer relied upon the judgments of the Supreme Court in the case of (1) State of Rajasthan and Others v/s Rameshwar Lal Gahlot reported in AIR 1996 SC 1001; (2) Himanshu Kumar Vidyarthi and others v/s State of Bihar and others reported in AIR 1997 SC 3657, and (3) Balkishan, s/o Ramrao Kapure v/s State of Maharashtra & Others reported in 2001(1) Bom. C. R. 243.

15. It is an admitted fact that the workman was employed as a Private Secretary to the Chairman of the then Planning and Development Authority known as Mormugao Planning and Development Authority. It is also an admitted fact that there was reconstitution of the planning and development authorities and at the time when the services of the workman were terminated earlier on 1-1-91 the Planning and Development Authority was known as Central Planning and Development Authority. It is also an admitted fact that on termination of his services on 1-1-1991 the workman raised industrial dispute which was referred to this Tribunal for adjudication and the said dispute was registered as Ref. No. IT/7/92. It is also an admitted fact that by Award dated 27-7-92 this tribunal held that the termination of service of the workman w.e.f. 1-1-1991 was illegal and unjustified and the workman was ordered to be reinstated in service with full back wages and continuity of service. The said Award of this Tribunal has been produced by the workman at Exb. W-1. The workman in his evidence has stated that he was reinstated in service from 22-3-93. Since the workman was reinstated in service in terms of the

Award dated 27-7-92 which stated that the workman shall be reinstated in service with full back wages and continuity of service, it meant that the workman was continuously in service from the date of his employment that is from 11-9-89, till the date when his services were terminated again w.e.f. 2-6-94. The workman has contended that termination of his service amounts to retrenchment.

16. Sec. 2(oo) of the Industrial Disputes Act, 1947 defines "Retrenchment" as follows:

> (00) "Retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include;
>
> (a) voluntary retirement of the workman; or
>
> (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
>
> (bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or
>
> (c) termination of the service of a workman on the ground of continued ill-health".

The contention of the employer is that the case of the workman falls within the exception to Sec. 2(oo) of the I. D. Act, 1947, that is, clause (bb) of Sec. 2(oo). Clause (bb) lays down that termination of service of the workman as a result of non renewal of contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein does not amount to retrenchment. Adv. Shri Diniz, representing the employer has relied upon the judgements of the Supreme Court in the case of Rameshwar Lal Galhot (supra), Himanshu Kumar Vidyarthi (supra) and Balkishan Kapure (supra). I have gone through the said judgements. In the case of Rameshwar Lal Galhot (supra) he was appointed on 28th January, 1988 for a period of three months or till the regularly selected candidate assumed office. His services were terminated on 19th November, 1988. The Supreme Court held that since the appointment was for a fixed period and the termination was in terms of the letter of appointment, the termination was covered by clause (bb) of Section 2(00) of the I. D. Act, 1947 and hence Sec. 25F did not apply. In the case of Himanshu Kumar Vidyarthi (supra) the Supreme Court held that the termination of service of the Petitioneer was not illegal and there was no violation of Sec. 25F of the I. D. Act 1947 because admittedly the Petitioners were not appointed to the post in accordance with the rules but were engaged on the basis of the need of the work, and as such termination of their service did not amount to retrenchment. In the case of Balkrishan Kapure (supra) the Petitioner was appointed as a Senior Assistant (Accounts) for a temporary period of one year in a vacant post in the Building Department. The first condition of the appointment order was that the appointment was of temporary nature only for one year or until the list of the candidates selected by the Selection Board is relieved, whichever would be earlier in the point of time. Condition No. 10 of the appointment order was that his appointment was from the lapsed selection list of 1984 and it would be treated as valid only if the Government approves the same and if the same is not approved, he would be discontinued without any reason. By order dated 12-8-97 the Petitioner's services were terminated mentioning in the said order that the Government had directed by its order dated 23-7-87 to cancel all such appointments which were made from the selection which had lapsed. The Bombay High Court held that the order of termination was strictly in accordance with the Contract of Service stipulated in the appointment order, and hence it was legal. What emerges from the judgments in the above cases is that if the appointment order itself shows that the appointment of the employee is for a specific period or if the termination is in accordance with the stipulation contained in the order of appointment, the termination does not amount to retrenchment because the termination falls under clause (bb) of Sec. 2(00) of the I. D. Act, 1947, which is an exception to the definition of "Retrenchment". It is therefore to be seen whether the case of the employer falls within the clause (bb) of Sec. 2(00) of the I. D. Act, 1947, as sought to be made out by the employer.

17. In the present case the appointment letter of the workman has not been produced either by the workman or by the employer. However, it is a fact that the workman was appointed as Private Secretary to the Chairman and his appointment was to be from 11-9-89 to 1-12-89. This fact is admitted by the workman in his cross examination. It is not brought in evidence by the employer that the workman's services came to an end from 1-12-89 in terms of the appointment letter, which means that the workman continued in service even after the expiry of initial period of his appointment. The employer has produced the letter dated 4th September, 1990 at Exb. E-2 received by the employer from the Government. This letter shows that the Government approved the continuation of service of the workman till 30-9-90. Even if it is accepted that the services of the workman were to be for a fixed period up to 30-9-90 as per the letter dated 4th September, 1990 Exb. E-2, the employer did not terminate his services from 1st October, 1990 but the workman continued in his service even after the expiry of the period 30-9-90, that is the date till which the Government had granted the approval. The Services of the workman were terminated only on 1-1-1991, which according to him was illegal and

unjustified. It is an admitted fact that the workman raised the dispute regarding termination of his service and by Award dated 27-7-92 Exb. W-1 this Tribunal held the termination as illegal and unjustified and the workman was ordered to be reinstated in service with full back wages and continuity of service. The employer or its predecessors never challenged this Award of the Tribunal. On the contrary in terms of the said Award the workman was reinstated in service w.e.f. 22-3-93. The services of the workman were again terminated from 2-6-94, that is, more than a year after he was reinstated in service. The above facts show that even though the approval was granted by the Government till 30-9-90, the workman continued to be in service even after the expiry of the period of approval. There is no evidence from the employer to show that the appointment period of the workman was extended for a particular period from time to time. On the contrary, when the services of the workman were terminated from 1-1-91, this Tribunal held that the termination was illegal and unjustified. The termination order dated 2-5-94 Exb. W-2 which is after reinstatement of the workman, also refers to the granting of the approval by the Government upto 30-9-90. As mentioned earlier the evidence on record shows that the workman continued in service even after 30-9-90. Therefore in my view the case of the employer does not fall under clause (bb) of Sec. 2(oo) of the I. D. Act, 1947. I am supported in my view by the Judgment of the Bombay High Court in the case of Tata Consulting Engineers v/s Valsala K. Nair (M.S.) & Ors. reported in 1997 II CLR 1099. In this case Ms. Valsala Nair was temporarily appointed vide order dated 29-1-1986 and her appointment was extended by subsequent orders dated 31-3-86, 23-6-86, 27-9-86 and 18-12-96. As per the last order of appointment dated 18-12-1986 her appointment was extended upto 27-1-1987. By the order dated 25th February, 1987 she was informed by the employer that her service would be no more required from the close of work on 27th February, 1987. Ms. Valsala Nair challenged her termination on various grounds including violation of Sec. 25F of the I. D. Act. The employer set up the defence that though the service of Ms. Nair came to an end on 27-1-87 her services were continued verbally and hereafter by the communication dated 25-2-87 she was informed that her contract would not be renewed after 27-2-87. The Labour Court held that the termination amounted to retrenchment and there was breach of Sec. 25F of the I. D. Act, and as such ordered reinstatement with continuity of service and back wages. This award of the Labour Court was challenged by the employer before the Bombay High Court, on the ground that there was no retrenchment since the termination was the result of non renewal of the contract of employment. The High Court in para. 4 of the judgment held as follows:

> "..... In the present case, it would be seen that though the workman was employed initially for a period of two months by the order dated 29-1-1986, her employment was extended by subsequent orders. The last of such order placed on record is the order dated 18-12-1986 according to which the services of the workman was extended upto 27-1-87. It is not disputed by the employer that even thereafter the workman was continued in service, though according to the employer, the said communication was verbal and only upto 27-2-1987. The order dated 27-2-1987 does not say that after the expiry of period on 27-1-87 the services of the workman was extended verbally only upto 27-2-1987. Thus, on the facts which have come on record, it cannot be said that the case was covered under clause (bb) of Sec. 2(oo) and it cannot be said that the workman's termination was not retrenchment....."

18. As mentioned earlier in the present case also there is no evidence to show that after 30-9-90 the appointment of the workman was extended for specific period from time to time. It is not in dispute that the workman continued in service even after the expiry of the date 30-9-90. All the more in Ref. case no. IT/7/92 by Award dated 27-7-92 this Tribunal held that termination of service of the workman by the predecessor of the employer w.e.f. 1-1-1991 was illegal and unjustified and the workman was ordered to be reinstated in service. The Judgment of the Bombay High Court in the case of Tata Consulting Engineers (supra) squarely applies to the present case. I, therefore hold that the termination of services of the workman is not covered by clause (bb) of Sec. 2(oo) of the I. D. Act, 1947. The order dated 2-5-1994 terminating the service of the workman has been produced at Exb. W-2. The ground for terminating the services of the workman has been given as the employer does not require his services and also that there is no post of P. S. to the Chairman, and that the Government granted approval upto 30-9-1990. It has been held by me that the termination of service of workman does not fall under clause (bb) of Sec. 2 (oo) of the I. D. Act, 1947 as claimed by the employer. The grounds for terminating the services of the workman mentioned in the termination order dated 2-5-94 have been mentioned by me above. Admittedly the services of the workman were not terminated as a matter of punishment by way of disciplinary action, nor the case of the workman falls within the exceptions laid down in Sec. 2(oo) of the I. D. Act, 1947. Therefore the termination of service of the workman amounts to retrenchment.

19. Sec. 25F of the I. D. Act, 1947 lays prescribes the procedure for retrenching the services of a workman. It lays down that the services of a workman who is in continuous service for not less than one year cannot be retrenched unless he has been given one month's notice or paid wages in lieu of one month's notice and he has been paid compensation at the rate of 15 days average wages per each completed year of service or any part thereof in excess of six months. Sec. 25(B) of the Industrial Disputes Act, 1947 defined 'continuous service'. It states that a person shall be deemed to be in continued service under an employer for a period of one year. If the workman during the period of 12 calendar months preceding the date with reference to which calculation

is to be made has actually worked under the employer for not less than 190 days in the case of a workman employed below ground in a mine and 240 days in any other case. In the present case admittedly the workman was not employed below ground in a mine. It is an admitted fact that the workman was employed from 11-9-89, and he worked continuously till his services were terminated for the first time on 1-1-1991. As per the Award of the Tribunal he was reinstated in service from 22-3-93. The services of the workman were again terminated from 2-6-94. The Tribunal had ordered reinstatement of the workman in service with continuity of service. This means that the workman was continuosly in service from 11-9-89 till the date when his services were terminated on 2-6-94. Therefore the workman is very well covered by Sec. 25B(2) of the I. D. Act, 1947 and consequently the provisions of Sec. 25F of the I. D. Act 1947 applied to him. The Supreme Court in the case of M/s Avon Services Productions Agency Pvt. Ltd., v/s Industrial Tribunal Hariyana and others reported in AIR 1970 SC 170 has held that giving notice and payment of compensation is a condition precedent in the case of retrenchment and failure to comply with the provision prescribing the conditions precedent for valid retrenchment in Sec. 25F renders the order of termination invalid and in-operative. Same principles are laid down by the Supreme Court in the case of Gammon India Ltd., v/s Niranjan Das reported in (1984) 1 SCC 509. In this case the Supreme Court has held that in the absence of compliance with the requisities of Sec. 25F, the retrenchment bringing about the termination would be void ab-initio. In the present case the employer's witness Shri Kishore Borwankar has himself admitted in his cross examination that the workman was not paid any retrenchment compensation at the time of termination of his service. Therefore there was no compliance of the provisions of Sec. 25F of the I. D. Act, 1947 from the employer at the time when the services of the workman were terminated. In the circumstances the action of the employer in terminating the services of the workman from 2-4-94 is illegal and unjustified. I, therefore answer the issue nos. 2 and 4 in the affirmative.

20. Issue No. 1: The contention of the workman is that termination of his service by the employer with effect from 2-6-94 is malafide and vindictive and to circumvent the Award dated 27-7-92 passed by this Tribunal in case no. IT/7/92. It is well settled that the particulars of malafides and victimisation not only to be given but they are to be proved. In the present case nothing has been brought on record in evidence by the workman to prove malafides and victimisation against the workman. The workman did not even suggest to the employer's witness in his cross examination that termination of his service was malafided, vindictive and to circumvent the Award dated 27-7-92 passed by the Tribunal. The termination order dated 2-5-94 Exb. W-2 produced by the workman shows that the employer terminated the services of the workman because according to them the Government had granted approval upto 30-9-90 and there was no post of P. A. to the Chairman. Besides, according to the employer, their jurisdiction being smaller than the jurisdiction of the erstwhile Mormugao Planning & Development Authority, the services of the workman were not required. Considering the above grounds, and the fact that the part of the ground was supported by the letter of the Government dated 4th September, 1990 Exb. E-2 wherein it is stated that approval for continuation of services was granted upto 30-9-90, it cannot be said that termination was malafide, vindictive or to circumvent the Award dated 27-7-92. If it was to be so, the services of the workman would have been terminated immediately after or shortly after he was reinstated in service, and not more than a year after he was reinstated in service. I, therefore hold that the workman has failed to prove that the termination of his service by the employer is malafide, vindictive and to circumvent the Award dated 27-7-92 passed by the Tribunal, Hence, I answer the issue no. 1 in the negative.

21. Issue No. 3: The workman had raised the contention that the employer had not complied with the provisions of Sec. 25H of the I. D. Act, 1947 and therefore termination of his service is illegal and unjustified. However, in the course of the arguments Shri Subhas Naik representing the workman submitted that he is not pressing for this issue and that the issue may be answered against the workman. Since the workman himself has not pressed for this issue, I hold that he has failed to prove that the employer has failed to comply with the provisions of Sec. 25H of the I. D. Act, 1947 and that therefore his termination of service is illegal and unjustified. I, therefore answer the issue No. 3 in the negative.

22. Issue No. 7: In fact in my view deciding this issue does not arise. Though according to the employer the Government granted approval for the appointment of the workman as Private Secretary to the Chairman upto 30-9-90 and the employer has produced the letter dated 4th September, 1990 Exb. E-2 from the Government in that respect, the fact remains that the workman continued to remain in service even after 30-9-90. When the services of the workman were terminated for the first time on 1-1-1991, he challenged the said termination and Tribunal passed an Award dated 27-7-1992 in case no. IT/7/92 holding that the termination is illegal and unjustified and ordered reinstatement of the workman with full back wages and continuity of service. Consequently the workman was reinstated in service in terms of the Award on 22-3-93. The Award of the Tribunal was not challenged either by the employer or its predecessor. Therefore, once the Tribunal had held that termination of service of the workman from 1-1-91 was illegal and unjustified and ordered reinstatement with continuity of service, the question of deciding now whether the workman had right or not to continue in the post after 30-9-90 does not arise. I, therefore answer the issue no. 7 accordingly.

23. Issue No. 8: This issue pertains to the relief to be granted to the workman. It has been held by me that the termination of service of the workman by the employer is illegal and unjustified. The normal rule is that when the termination of service of a workman is held to be illegal and unjustified he should be reinstated in service with full back wages unless there are reasons which do not warranty reinstatement or full back wages. In the present case the employer has produced at exb. E-1 colly, the notification dated 7th August, 1987 issued by the Town and Country Planning Department, Government of Goa, containing the rules regulating the recruitment of staff in the Planning and Development Authorities. There is a schedule annexed to the said Notification. The employer's witness Shri Kishore Borwankar has stated that under the said rules there is no post called as Personal Secretary to the Chairman of the P. D. A. Rule 1 of the said rules mentions that the said recruitment rules shall apply to the posts specified in column 1 of the schedule to the said rules. I have gone through the said schedule and I agree with the contention of the employer that the said schedule does not provide for the post of Private Personal Secretary to the Chairman of the Planning and Development Authority. In other words there is no mention of the post of Private Personal Secretary to the Chairman of the Planning and Development Authority in the said schedule. The workman has not disputed the said notification Exb. E-1 colly produced by the employer alongwith the schedule. The letter dated 4th September, 1990 Exb. E-2 produced by the employer shows that the approval of the Government was taken for appointing the workman as Private Personal Secretary to the Chairman. This lends support to the contention of the employer that there is no post of private Personal Secretary to the Chairman as otherwise there was no question of taking approval for the appointment of the workman, as Personal Secretary to the Chairman. The workman also has not produced any evidence to show that the post of Personal Secretary to the Chairman exists. The evidence on record which has been discussed by me above proves that there is no post of Personal Secretary to the Chairman of the Vasco Planning and Development Authority, which is the employer in the present case. This being the case though it has been held that termination of service of the workman is illegal and unjustified, his reinstatement in service cannot be ordered. Reinstatement can be ordered if the post exists. If reinstatement is ordered in the present case, it would amount to regularising or absorbing the workman in a post which does not exist. In the circumstances, I hold that the workman is not entitled to reinstatement in service. However, it does not mean that the workman is not entitled to any relief at all.

24. In the case of Samarth Samaj v/s Manohar Shankar Sahartrabudhe and others reported in 2000(4) LLN 177, the Labour Court had awarded lump sum compensation of Rs. 10,000/- to the employee in lieu of reinstatement in addition to full back wages because the construction work where the employee was employed had been completed. The Bombay High Court held that the Labour Court had rightly departed from the normal rule of reinstatement because the construction work for which the employee was employed was admittedly completed. The High Court held that the Labour Court rightly awarded full back wages and compensation in lieu of reinstatement. The facts in the present case also are somewhat similar. In the present case also the workman cannot be reinstated in service because there is no post of Private Secretary to the Chairman. Therefore in view of the judgment of the Bombay High Court in the case of Samarth Samaj (supra) the workman will be entiled to full back wages from the date of termination of service till the date of the Award and in lieu of reinstatement in service he is liable to be compensated. In my view considering the facts of the present case it would be just and proper to award a lump sum compensation of Rs. 10,000/- (Rupees Ten Thousand only) to the workman in lieu of reinstatements, in addition to full back wages. I, therefore hold that the workman is entitled to full back wages from the date of termination of his service till the date of the award and the compensation of Rs. 10,000/- (Rupees Ten Thousand only) in lieu of reinstatement.

In the circumstances, I pass the following order.

Order

It is hereby held that the action of the Vasco Planning and Development Authority in terminating the services of Shri Albert Rodrigues, with effect from 2-6-1994 is illegal and unjustified. The Vasco Planning and Development Authority shall pay to Shri Albert Rodrigues full back wages from the date of termination of his service i.e. from 2-6-1994 till the date of the passing of the Award. The Vasco Planning and Development Authority shall also pay to Shri Albert Rodrigues Rs. 10,000/- (Rupees Ten Thousand only) as compensation in lieu of reinstatement.

No order as to cost. Inform the Government accordingly.

Sd/-
(Ajit J. Agni),
Presiding Officer,
Industrial Tribunal.

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Department of Law & Judiciary

Law (Establishment) Division

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Notification

No. 6/28-92/LD(Misc-I)

Read: 1. Government Notification No. 6-28-92/LD (Misc-I) dated 13-11-1997.

2. Government Notification of even number dated 2-8-2001.

In exercise of the powers conferred by Section 6 of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987) read with Section 21 of the General Clauses Act, 1897 (Central Act 10 of 1897), the Government of Goa hereby further amends the Government Notification No. 6-28/92/LD(Misc-I) dated 13-11-1997, published in the Official Gazette, Series II No. 33, dated 13-11-97, Extraordinary No. 2 (hereinafter called the "said Notification"), as follows:-

In the said Notification, for item (b), the following shall be substituted, namely:-

"(b) The seniormost Honourable Judge
Sitting at High Court of Bombay
at Goa, Panaji
..... Ex-Officio Executive Chairman".

This Notification shall come into force with immediate effect. Accordingly, the Notification of even number dated 2-8-2001 shall stand superseded.

By order and in the name of the Governor of Goa.

Mario da Silva, Under Secretary (Law).

Panaji, 14th November, 2002.

Notification by the High Court of Judicature Appellate Side, Bombay

No. A 1202/G/2002

The Hon'ble The Chief Justice and Judges have been pleased to grant 12 days Earned Leave from 11-11-2002 to 22-11-2002 with permission to prefix 9th and 10th November, 2002 being 2nd Saturday and Sunday respectively and to suffix 23rd and 24th November, 2002 being 4th Saturday & Sunday respectively to Shri A. D. Salkar, District & Sessions Judge, Panaji.

On return from leave Shri Salkar will be reposted as District & Sessions Judge, Panaji.

Smt. Anuja Prabhudessai, 1st Additional District & Sessions Judge, Panaji, is kept incharge of the Court of District & Sessions Judge, Panaji, in addition to her own duties during the leave period of Shri A. D. Salkar, from 11-11-2002 to 22-11-2002.

High Court, Appellate Side *S. G. Tambe*
Additional Registrar.

Bombay, 2nd November, 2002.

Department of Science, Technology & Environment

Notification

No. LS/MISC/1915/96/Part I/915

Read: 1. Government Notification No. LS/Misc/ /1915/96/Part/859 dated 21-12-2001.

2. Government Notification No. LS/Misc/ 1915/96/Part/250 dated 27-03-2002.

In exercise of the powers conferred by sub-section (1) of section 11, of the Goa Non-Biodegradable Garbage (Control) Act, 1996, (Goa Act 5 of 1997) (hereinafter referred to as the "said Act"), the Government of Goa hereby authorises all the Mamlatdars and Joint Mamlatdars in the State of Goa for the purpose of the said sub-section (1) of section 11 of the said Act, with immediate effect.

By order and in the name of the Governor of Goa.

Dr. N. P. S. Varde, Director/Joint Secretary (STE).

Saligao, 5th November, 2002.

Notification

No. 5/2/87-STE(Part)-IV/929

In supersession of Notification No. 5/2/87-STE(Part)-III/938 dated 07-12-2000, the Government of Goa is pleased to reconstitute the Goa State Environment Protection Council (GEPC), as follows:

1.	Governor of Goa	... Chairperson
2.	Chief Minister	... Vice--Chairperson
3.	Minister for Environment	... Member
4.	Shri Eduardo Faleiro, M. P.	... Member
5.	Shri Ramakant Angle, M. P.	... Member
6.	Dr. Wilfred D'Souza, M.L.A.	... Member
7.	Shri Chandrakant Kavlekar, M.L.A.	... Member
8.	Shri Vijay Pai Khot, M.L.A.	... Member
9.	A representative of the World Wide Fund for Nature, Goa Chapter, Panaji	... Member
10.	A representative of Nirmal Vishwa, Ponda	... Member
11.	A representative of Botanical Society of Goa, Panaji	... Member
12.	Dr. Nandakumar Kamat, Microbiologist, Department of Microbiology, Goa University	... Member
13.	Dr. A. G. Dessai, Department of Geology, Goa University	... Member
14.	Dr. A Shanbhag, Principal, Dhempe College, Panaji	... Member
15.	Secretary (Environment)	... Member
16.	Development Commissioner	... Member
17.	Secretary (Industries)	... Member
18.	Secretary (Education)	... Member
19.	Chief Conservator of Forests	... Member
20.	Chief Town Planner	... Member

21.	Member Secretary, Goa State Pollution Control Board	... Member
22.	Representative of the Ministry of Environment & Forests (GoI)	... Member
23.	Director & Ex-Officio Joint Secretary to the Government (STE).	... Member Convenor.

2. The Committee shall:

i) Review work relating to environment undertaken by the Government and Non-Government organisations.

ii) Advise the State Government on environmental issues of the State.

iii) Identify areas requiring investigation, research and restoration in the field of environment.

3. The Council will meet twice a year or more frequently, as may be decided by the Chairman, to discuss the items suggested by the Members. Decisions will be arrived at by consensus and would be advisory in nature.

4. Outstation members shall be entitled for the air fare to and fro from the point of 'his/her' 'headquarters/residence', as the case may be, plus other allowances as admissible to Grade- I Officers.

By order and in the name of the Governor of Goa.

Dr. N. P. S. Varde, Director/Jt. Secretary (STE).

Saligao, 12th November, 2002.

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Department of Sports

Directorate of Sports

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Order

No. 8/5/2002/D.S./2026

Sanction of the Government is hereby conveyed for upgrading the post of Assistant Director (Coaching) in the pay scale of Rs. 6500-10,500 to that of Dy. Director (Coaching), carrying the pay scale of Rs. 10,000-15,200 for a period of one year.

Consequent upon the up-gradation, Shri Redento de Sousa, Asstt. Director (Coaching), is hereby appointed to the upgraded post of Dy. Director (Coaching) purely on ad hoc basis for a period of one year that is upto his superannuation as on 30th November, 2003. This upgradation will not bestow on the appointee any claim or right for regular appointment/promotion and the services rendered in the promoted post will not be counted for the purpose of seniority in the grade or eligibility for promotion to the next higher post.

On his retirement on 30th November, 2003, the upgraded post of Dy. Director (Coaching) shall be reverted to the level of Assistant Director (Coaching) as hereinbefore.

His pay shall be fixed as per the rules.

By order and in the name of the Governor of Goa.

V. M. Prabhu Desai, Director of Sports/Joint Secretary (Ex-Officio).

Panaji, 11th November, 2002.

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Department of Vigilance

Directorate of Vigilance

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Order

No. 13/100/79-VIG (Vol. V)

Read: 1. Government Order No. 13/100/79-VIG (Vol. V)/1406 dated 24-11-2000.

2) Government Order No. 13/100/79-VIG (Vol. V)/1536 dated 06-12-2001.

Government is pleased to extend the period of deputation of Shri P. V. K. Nair, Executive Engineer, Public Works Department as Senior Technical Examiner in the Directorate of Vigilance for a further period w.e.f. 06-12-2002 to 30-11-2003 on the usual terms and conditions of deputation as contained in Government O. M. No. 13/4/74-PER dated 12-02-1999 as amended from time to time.

By order and in the name of the Governor of Goa.

Sanjiv M. Gadkar, Dy. Director (Vigilance).

Panaji, 15th November, 2002.

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